IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	/) CIVIL NO. CV03-00385 SOM-LEK	
) (Copyrigh	t)	
Plaintiff,)		
) DECLAR	ATION OF MARTIN G.	
VS.) WALKEI	R IN SUPPORT OF	
) DEFEND	ANT PCT'S OPPOSITION	
HAWAIIAN EXPRESS SERVICE,) TO PLAINTIFF WAYNE BERRY'S) MOTION FOR RECUSAL		
INC., et al.,			
Defendants.)		
Detendants.) Hearing:	TBD	
	_)		
	Judge:	Hon. Magistrate Judge Leslie Kobayashi	

DECLARATION OF MARTIN G. WALKER

Case 1:03-cv-00385-DAE-LEK Document 976-7 Filed 05/17/2006 Page 2 of I, Martin G. Walker, declare under penalty of perjury that the foregoing is Page 2 of 2 true and accurate to the best of my knowledge and belief: I graduated in 1973 from the Massachusetts Institute of Technology

with a Bachelor of Science Degree in Electrical Engineering. I then attended

Stanford University where I received a Masters Degree in Electrical Engineering in

1976 and a Doctorate in Electrical Engineering in 1979. After various experiences

in the business world I am now a technology consultant and expert witness with

more than twenty-five years of high-level experience in areas such as computer

software and internet applications. Focuses of my practice include intellectual

property litigation support, computer forensics, and trade secret theft.

2.

4.

I have been retained by the Post-Confirmation Trust for Fleming Companies, Inc. to examine certain software and related documents and, if possible, render opinions on certain topics in the above-entitled action. Counsel for the Post-Confirmation Trust directed me to Exhibit 5 to 3.

Plaintiff Wayne Berry's Motion for Recusal, which is an e-mail dated March 21, 2002 with a Subject Line reading "Announcing Brian Christensen Named Hawaii Division President." Counsel asked me to see how many, if any, copies of this e-

mail existed among the files contained in the Guidance materials produced to Plaintiff's counsel in September, 2005.

Plaintiff's counsel in September, 2005 I located at least six copies of this e-mail.

During a preliminary search of the Guidance materials produced to

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on May 16, 2006 at Palo Alto, California. Martin GU/alle

Martin G. Walker